

1 Daniel A. Sasse, Esq. (CA Bar No. 236234)  
2 CROWELL & MORING LLP  
3 3 Park Plaza, 20th Floor  
4 Irvine, CA 92614-8505  
5 Telephone: (949) 263-8400  
6 Facsimile: (949) 263-8414  
7 Email: dsasse@crowell.com

8 Donald M. Falk (CA Bar No. 150256)  
9 MAYER BROWN LLP  
10 Two Palo Alto Square, Suite 300  
11 3000 El Camino Real  
12 Palo Alto, CA 94306-2112  
13 Telephone: (650) 331-2000  
14 Facsimile: (650) 331-2060  
15 Email: dfalk@mayerbrown.com

16 Attorneys for Defendant  
17 AT&T Mobility LLC

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

IN RE APPLE & AT&TM ANTI-TRUST  
LITIGATION

Case No. 07-05152-JW

**DECLARATION OF DANIEL A. SASSE  
IN SUPPORT OF DEFENDANT AT&T  
MOBILITY LLC'S MOTION TO STAY  
DISCOVERY PENDING RESOLUTION  
OF ITS SOON-TO-BE FILED MOTION  
TO COMPEL ARBITRATION**

Date: September 8, 2008  
Time: 9:00 a.m.

Honorable James Ware

1 I, Daniel A. Sasse, hereby declare as follows:

2 1. I am a partner with the law firm of Crowell & Moring LLP, and I am one of the  
3 attorneys representing defendant AT&T Mobility LLC ("ATTM") in this action. I have personal  
4 knowledge of the matters stated herein, and if called upon I could and would testify to their truth.

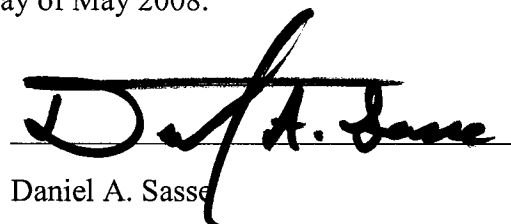
5 2. The Court has not ordered either a Rule 26 Scheduling Conference or Case Man-  
6 agement Conference for the plaintiffs' Amended Complaint.

7 3. On May 28, 2008, the parties met and conferred regarding plaintiffs' desire to set  
8 a schedule for discovery on the merits. The parties could not agree on whether the Court should  
9 continue to stay discovery or schedule a case management conference.

10 4. That same day, plaintiffs' counsel filed a letter requesting that the Court set a  
11 schedule for discovery.

12 5. No party to this case has previously requested an extension of the deadlines for  
13 discovery. Plaintiffs, ATTM, and defendant Apple, Inc. previously stipulated to an extension of  
14 time for the defendants to respond to the complaint in *Holman*, which is one of the cases in this  
15 now-consolidated action. See Docket No. 18. ATTM also previously sought an extension of  
16 time to respond to the *Holman* complaint, which the Court denied as moot after consolidating  
17 *Holman* with the other cases in this action. See Docket No. 36. The parties also previously  
18 stipulated to an extension of time for the plaintiffs to file this consolidated amended complaint.  
19 See Docket No. 42. The Court vacated that deadline in order to permit the plaintiffs to litigate  
20 the selection of interim lead class counsel (see Docket No. 55), and subsequently continued the  
21 hearing on motions to disqualify class counsel and appoint interim lead counsel on one occasion  
22 (see Docket No. 66).  
23

24 I declare under penalty of perjury of the laws of the United States that the foregoing is  
25 true and correct. Executed at 9:15 this 30<sup>th</sup> day of May 2008.

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28 Daniel A. Sasse